

RECORDS MANAGEMENT COMMITTEE

City Clerk's Conference Room, 1st Floor, City Hall
400 Stewart Avenue, Las Vegas, Nevada

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

October 19, 2001

1:30 p.m.

CALL TO ORDER: City Clerk Ronemus called the meeting to order at 1:37 p.m.

ATTENDANCE: Barbara Jo (Roni) Ronemus, City Clerk
Doug Selby, Deputy City Manager
John Redlein, Assistant City Attorney
Joseph Marcella, Director, Information Technologies
Radford Snelding, City Auditor
Richard Goecke, Director, Public Works
Mark Vincent, Director, Finance & Business Services (arrived 1:55 p.m.)
Sharon Kuhns, Records Administrator
Donna Willey, Administrative Secretary

ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(1:37)

1-1

BUSINESS:

- A. APPROVAL OF FINAL MINUTES BY REFERENCE OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF SEPTEMBER 21, 2001, AND THE RECESSED MEETING OF SEPTEMBER 26, 2001.

GOECKE - Motion to APPROVE – SELBY seconded the motion – UNANIMOUS

(1:37 – 1:38)

1-19

B DISCUSSION AND POSSIBLE ACTION CONCERNING DEFINITIONS AND OTHER RELATED MATTERS ON ALTERNATE FEE SCHEDULES, PUBLICATIONS, REPORTS AND PRICE LISTS.

Chair Ronemus directed the Committee's attention to the Municipal Records Manual that is being compiled based on information from this Committee. The second chapter deals with alternate fee schedules. It was approved by the Committee and was also backup to the Council item that contained the resolution. Ms. Kuhns will be using this document for training so it must be consistent with the Committee's decisions. Alternate fee schedules are discussed on pages 21, 22, and 25. Deputy City Manager Selby pointed out that the definition of "alternate fee schedule" is stated in the "public record" definition. Mr. Marcella stated that public records are \$1 per page. Everything else should be determined according to a specific price list.

Ms. Kuhns clarified for the Committee that a public record could be a publication, a report, etc. The definition of "public record" is anything that documents the City action or fiscal affairs. An audit report is documenting fiscal affairs; therefore, it is a public record. If the initial supply of this report is depleted and it becomes necessary to reproduce it to accommodate more requests, it will be reproduced at \$1 per page. Mr. Marcella concurred. The State Library refers the patron to the library that holds the requested document. If their initial supply runs out, they charge the requester all fees involved in republishing, plus \$2. Chair Ronemus noted that definitions might not be necessary.

Ms. Kuhns explained that Contributions and Expenses reports are not City reports. They are forms completed by candidates to notify the public of their expenses. These reports are housed by the City but not created by the City. She also stated that there is an AGO (Attorney General's Opinion) that declares bid packages to be a public record.

Ms. Kuhns discussed an interoffice memo sent by City Manager Valentine stating that all public record requests should be directed to the Clerk. Deputy City Manager Selby stated that the memo was drafted in light of security interests and that he would clarify the City Manager's memo so it is clear.

Assistant City Attorney Redlein asked Ms. Kuhns the status of the Records Manual. She replied that it exists through chapter two. Chair Ronemus stated that the Office of Primary Responsibility has not been finalized. She also stated that this manual is for guidance, a training manual. This might mean that the definition for "public record" has to be changed in accordance with the Municipal Code. When the Code changes, the manual will change. This manual has been approved by the Records Management Committee and was backup to the resolution on the Council agenda. Assistant City Attorney Redlein suggested distributing the manual to departments for input with a note that says it would be brought into compliance after ordinance adoption. Deputy City Manager Selby pointed out that the definition of "public record" is confusing and misleading. He said that some published documents are not subject to the determined \$1 per page. Chair Ronemus stated that this should be included in chapter two of the manual.

Ms. Kuhns noted that the Municipal Code states that the term does not include published books printed by a government printer. Assistant City Attorney Redlein suggested the Committee read through the manual and make notes on what is not clear. *He advised Ms. Kuhns to place this item back on the next Records Management Committee agenda so the whole manual can be discussed.* The manual should be put out with a publication date so as new things come up, or as the ordinance changes, the manual can be redistributed advising the departments that it supplants the previously published manual.

Mr. Vincent stated that once the decision is made to put something into a publication and have it readily available, it is at a much reduced rate than \$1 per page. Mr. Goecke stated that it should be \$1 per page and \$2 for certified with no other price lists. If there is an issue, it can be discussed between the director and the Deputy City Manager and not as a group. Assistant City Attorney Redlein remarked that there should be consideration whether to charge \$10 for a CD regardless of how many documents are on it. Chair Ronemus suggested going over price lists for consistency and not approval. Deputy City Manager Selby noted that Mr. Goecke's price list has only what his department produces upon request. They are not produced in anticipation of a request. That would be considered an alternate copying request.

Ms. Kuhns explained to the Committee that the manual is appropriately written and can be used for training. Publications, reports and subscriptions need to be addressed as far as public records are concerned. Chair Ronemus asked if guidance should be given on the amount of publications, etc., that are handed out free of charge. After they're gone, the charge is \$1 per page. She explained that the Building and Safety Code books are available at Borders, but if someone comes to the City and requests a copy, 25% is added to the cost because the City has to special order it. The Clerk's office, by ordinance, must have one copy for public view. There aren't any additional copies on hand. Mr. Vincent believes that this is a public service and not a public records request. He stated that because there is media other than copies, there is an issue on how to set prices but he does not believe it is a records management issue. Mr. Goecke and Chair Ronemus concurred. Chair Ronemus stated that chapter two of the manual should be addressed in that regard.

Ms. Kuhns advised the Committee that the resolution addresses public records only. She also stated that the Attorney General determined that bid packages and backup material are public records. NRS 239.010 states that all public books, public records of governmental entities, which the contents are not declared confidential are public records. Deputy City Manager Selby said that the issue is what to charge for copying them.

Chair Ronemus advised the Committee to consider the definitions for "public record", "publication", "report" and anything that should be incorporated to be discussed at the next Records Management Committee meeting, so chapter two of the manual can be completed.

Assistant City Attorney Redlein would like to address the sale of alternate media. Chair Ronemus explained that the resolution only addresses the \$1 copying fee. Mr. Vincent believes there should be a policy that states that the cost should be one that recovers the City's costs, no more and no less. That would put the burden on the director of the department to justify the price he/she is charging. Chair Ronemus explained that the Committee can make recommendations for consistency but cannot mandate it. The Committee agreed that they should limit their focus to public records. Mr. Marcella feels there should be a general guideline for pricing.

The next Records Management Committee meeting is scheduled for November 9, 2001 at 2 p.m. in the City Clerk's conference room.

(1:38 – 2:52)

1-2917

C INFORMATIONAL MATTERS FOR FUTURE RECORDS MANAGEMENT COMMITTEE AGENDAS.

None.

(2:52 – 2:53)

1 - 2934

CITIZENS PARTICIPATION:

None.

ADJOURNED:

SNELDING - Motion to ADJOURN – MARCELLA - seconded the motion – UNANIMOUS

The meeting adjourned at 2:53 p.m.

/dw